



IowaAging.gov

AgingWatch

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The link to policy affecting older Iowans

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Did you know?

A funnel is a deadline for legislative action set each session by the Senate and House.

First Funnel

Friday marked the end of the first funnel and with it brought the termination of many bills. Circumstances leading to the death of so many bills included a short timeframe between the beginning of session and first funnel, a tremendous amount of legislation introduced within this small window of time, and the impending “blizzard” of last week. Many concepts simply did not have the time or opportunity to take the next steps towards becoming law.

A chart is included on [page 3](#) of this edition of AgingWatch that provides a list of bills that did not survive funnel.

It is important to note that the death of a bill does not equate to the death of an issue. For example, an issue can survive in the form of a companion bill or can reappear later as budget discussions progress. The notes section of each bill will point out any companion bills that may or may not have survived.

It is difficult to predict what issues may resurface later but an issue that focuses on appropriations may be resurrected later in a budget bill.

Also keep in mind that some bills have not made it through a committee but still show up as having survived funnel. Pay close attention to the committee to which the bill has been assigned. If the bill has been assigned to Ways and Means or Appropriations, it is automatically safe from funnel.

With the large amount of bills introduced this session, AgingWatch has been tracking a tremendous amount of bills - in fact, too many to cover in detail. For this reason, AgingWatch is providing information on a few bills of significant impact. Coverage of these bills begins on [page 4](#).

Department Advocacy

The Iowa Department on Aging has processes and procedures for advocacy under the golden dome. When a bill has the potential of impacting older Iowans, Iowans with disabilities, or the Department itself, our procedure is as follows:

- The bill is assigned to one or more people within the Department who have expertise in the that area. Those individuals review the bill and provide a summary and recommendation to our Policy Coordinator. In addition, our fiscal folks may prepare a fiscal note if requested by the Legislative Service Agency. Fiscal notes provide information on budgetary impact of the bill.
- If a bill is deemed impactful, the Department registers for lobby purposes as “undecided.” The only time the Department registers in favor of a bill is when the bill has been introduced by the Iowa Department on Aging. In the case of the current legislative session, there are no such bills.
- The Office of the State Long Term Care Ombudsman may choose to register on bills based upon the impact to residents and tenants served within the ombudsman program. In other words, the OSLTCO has its own voice, distinctly separate and independent from the Iowa Department on Aging.
- Throughout AgingWatch, you will see that the bills are linked to the legislative website where you can read further detail about the bills, including bill history, companion bills, committee members, fiscal notes and lobbyist declarations. When checking lobbyist declarations, the Department and the OSLTCO register individually as follows:

— Kimberly Murphy for the Iowa Department on Aging

— Deanna Clingan-Fischer for IA. Dept. on Aging/Long Term Ombudsman



Kimberly Murphy



Deanna Clingan-Fischer



Funnel Deaths —

Time slipped away last week for a host of legislative ideas slated to meet their demise when the 2014 session's first "funnel" deadline arrived.

The following is a summary of dead bills.

Bill #	Issue of Bill	Notes:
HF2003	Crime Victims	
HF2021	Medical Assistance Requirements	
HF2024	Common Service Delivery Districts	
HF2025	Restructuring State Government	
HF2026	Restructuring State Departments	
HF2032	Absentee Ballot Delivery	
HF2036	Implementing Federal Law	
HF2041	Public Assistance Eligibility	
HF2091	Aging and Disability Resource Center	
HF2106	Elder Abuse	Companion to SF2239—survived funnel on Senate side
HF2115	Victim Privacy	
HF2120	Medicaid Waivers	Similar to SF2082—also failed on Senate side
HF2121	Medicaid Reimbursement	
HF2122	Aggressive/Psychiatric Behaviors Task Force	
HF2127	Sex Offender Registry	
HF2154	Sex Offender Registration	
HF2160	Telemedicine	
HF2165	Hunting License	Similar to SF2060 - - also failed on Senate side
HF2169	Uniform Power of Attorney Act	See analysis of all UPOA bills on page ____
HSB500	Civil Commitment Procedures	Similar to SF2211—survived funnel on Senate side
HSB507	Court Appointed Attorneys	See SSB3074—also failed on Senate side
SF2028	Senior Living Coordinating Unit	
SF2060	Lifetime Hunting License	See HF2165—also failed on House side



Funnel Deaths — Continued

Bill #	Issue of Bill	Notes:
<u>SF2065</u>	Community Directed Attendant Care	Similar to HF2097—survived funnel on House side
<u>SF2082</u>	Medicaid Waivers	Similar to HF2120—also failed on House side
<u>SF2125</u>	Rules Review	
<u>SF2145</u>	Elder Abuse	See analysis of elder abuse bills on <u>page 5</u>
<u>SSB3001</u>	Renewal Process Simplification	
<u>SSB3024</u>	Civil Commitment—Sexually Violent Predators	
<u>SSB3039</u>	Domestic Abuse	
<u>SSB3061</u>	Manufactured Housing Fund	
<u>SSB3074</u>	Court Appointed Attorney Fees	Similar to HSB507—also failed on House side

Uniform Power of Attorney Act : Advances in Both Chambers

The Uniform Power of Attorney Act moved out of committees in both chambers. On the surface, this is good news for advocates of the Uniform Act. There are, however, differences in each version and consensus will have to be reached between the House and the Senate.

The Uniform Power of Attorney Act was drafted by the Uniform Law Commission—an entity whose goal, according to the Uniform Law Commission website, is to provide states with legislation that “brings clarity and stability to critical areas of state statutory law.” The Uniform Power of Attorney Act is designed to create consistency in the use of the power of attorney document throughout the United States, to preserve the durable power of attorney as a flexible form of surrogate decision making, and to deter the use of the document as a tool of financial abuse against incapacitated individuals.

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It is the ability of the Uniform Power of Attorney Act to deter financial exploitation that has drawn the support of many advocates.

Two elder abuse work groups have made recommendations to adopt laws to deter financial exploitation by power of attorney documents and several advocacy organizations have made similar recommendations for many years.

While the legislation has advanced in both chambers, resolution must be reached on differences between the House and Senate versions. The differences between the two versions can be found below:

Senate File 2168	House Study Bill 625
Section 11: An individual is deemed incapacitated if they are missing.	Section 11: Incapacitation does not include “missing”
Section 13: Incapacity can be determined by several individuals, including a licensed attorney at law	Section 13: Incapacity can be determined by several individuals, but a licensed attorney at law is not allowed to determine incapacitation
Section 13: If a coagent is unavailable to perform duties because of absence, illness, or other temporary inability to perform, the remaining agents may exercise their authority as if they were the only agents	Section 13: Contains the same coagent provisions as SF2168, but is silent in regards to remaining agents exercising authority as if they were the only agents if a coagent is unavailable to perform duties because of absence, illness, or other temporary
Section 18: Presumes that costs of an action under this section shall be assessed against the principal or the principal’s estate unless the court determines such costs and fees should be assessed against the petitioner or the agent for good cause	Section 18: Allows the court discretion to award attorney fees and court costs to the prevailing party
Section 22: In regards to refusal to accept a power of attorney document, indicates that a person shall not require an additional or different form of power of attorney for authority granted in the power of attorney presented	Section 22: Addresses refusal to accept a power of attorney document in the same manner as SF2168, but is silent in regards to indicating that a person shall not require an additional or different form of power of attorney for authority granted in the power of attorney presented
Section 47: This legislation applies to a power of attorney document regardless of when it was created and has retroactive applicability	Section 47: This legislation applies only to power of attorney documents created on or after July 1, 2014 and is applicable to actions taken by an attorney in fact on or after July 1, 2014 and does not have retroactive applicability.

Elder Abuse Legislation Takes Different Forms; Advances in Senate

Three pieces of legislation have been introduced this session to address elder abuse in Iowa.

[HF2106](#) and [SF2117](#) were introduced as companion bills. Provisions of the legislation include the following: Definitions for forms of abuse against an individual aged 60 or older, including abuse, financial exploitation, undue influence, and elder abuse assault; creates an elder abuse resource and referral program to be housed in Iowa's Area Agencies on Aging; creates a primary point of entry within the aging and disability resource center network for individuals seeking information and assistance regarding elder abuse; establishes a civil protection mechanism for relief from elder abuse; and establishes crimes and penalties for forms of abuse against an older individual.

[SF2117](#) passed out of committee and is now known as [SF2239](#). [HF2106](#) did not make funnel.

[SF2145](#) was also introduced. Provisions of the legislation include the following: Definitions for forms of abuse against an individual aged 65 or older, including abuse, financial exploitation, and theft against an older individual; extends provisions related to dependent adult abuse to be applicable to individuals aged 65 and older as elder abuse; eliminates the restriction of the definition of abuse to only perpetration of abuse by caretakers and instead provides that abuse may be perpetrated by any person including a caretaker; and establishes crimes and penalties for forms of abuse against an older individual.

[SF2145](#) did not make funnel.

AgingWatch will continue to keep readers posted regarding the status of elder abuse legislation.

Second Funnel and Budget Chatter Approach

With tight timeframes this session, the second funnel date of March 14 is quickly approaching. The Senate and House will be busy over the course of the next few weeks moving bills through committees and out of chambers.

As movement towards the second funnel approaches, budget chatter will begin to increase.

In Bill Watch, beginning on the next page, readers will note several bills assigned to appropriations that have an impact on aging issues in Iowa. AgingWatch will continue to track this legislation in the coming weeks.

Bill Watch

On the following pages, you will find a list of bills the Department on Aging has identified as potentially impactful to older and disabled Iowans. There is a brief descriptor of each bill. You may find comprehensive information including the entire bill, committee assignments, amendments and bill history by clicking on the bill number. Each bill is linked to the legislative website where up-to-date information is recorded. The Department will continue to keep you informed on significant action on these and other bills during the legislative session.

<u>HF 2009</u>	OFFICE OF SUBSTITUTE DECISION MAKER FUNDING (Appropriations) Heaton, Fisher, Jacoby Provides appropriation of \$2.2 million to Iowa Department on Aging to administer the OSDM.
<u>HF2095</u>	IOWA DEPARTMENT ON AGING APPROPRIATIONS (Approps) Heaton, Fisher, T. Taylor Appropriates \$13 million to the Iowa Department on Aging.
<u>HF2097</u>	CDAC—MEDICAID SERVICES (Human Resources) Heaton, Bacon, Heddens Provisions include language allowing a guardian or an attorney-in-fact under a health care power of attorney to provide services pursuant to the consumer directed attendant care program.
<u>HF2116</u>	PROTECTING PERSONAL INFORMATION (Public Safety) Klein, Dawson, Sands Prohibits the disclosure of personal information except under specified circumstances.
<u>HF2118</u>	FUNDING FOR OSLTCO (Approps) Heaton, Fisher, T. Taylor Appropriates 2 additional local long-term care ombudsman and an appropriation of \$257,000.
<u>HF2157</u>	RULEMAKING (State Government) Pettengill, Hunter, Stanerson Relates to the rulemaking process and more generally to agency decision making.

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HF2159

formerly

HSB529

MILLER TRUST INCOME (Human Resources)

Passed the House on 2/18/2014

Increases the percentage, relative to the average statewide charge for nursing facility services to a private pay resident of a nursing facility, to which the total monthly income of a beneficiary of a Miller Trust is compared to determine how any property received or held by the trust during the life of the beneficiary is to be expended

HF2186

formerly

HSB527

see

SF2193

ADULT DAY ADMISSION AND RETENTION (Human Resources)

R. Taylor, Heaton, Hunter

Establishes criteria that would prohibit the admission or retention of a participant in an adult day services program if the participant meets certain criteria, including being under the age of eighteen, requiring three-person assistance with certain activities, posing a danger to others, chronically eloping, being sexually or physically aggressive, or being in the acute stages of alcoholism, drug addiction, or mental illness.

HSB533

See

SF2167

ENTITLES REGULATED BY THE DEPARTMENT OF INSPECTIONS AND APPEALS (State Government)

Stanerson, Bacon, T. Taylor

Makes changes to procedures related to regulations imposed by the Department of Inspections and Appeals and makes conforming changes in referencing the Office of the State Long-Term Care Ombudsman

HSB625

UNIFORM PoA ACT (Judiciary) Gustafson, Alons, Oldson

See story beginning on [page 3](#).

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- SF 2026** **PROPERTY ASSESSMENT ADJUSTMENT** (Ways & Means)
Bolkcom, Bertrand, Petersen
Provides property assessment adjustment for certain property of persons aged sixty-five and older with household earned income of less than \$8,000 per year.
- SF2041** **SILVER ALERTS** (Judiciary)
Sodders, Boettger, Courtney
see
SF2189 The bill provides that the purpose of the program is to aid in the identification and location of cognitively impaired persons who are missing.
- SF2051** **INSURANCE DEATH PRESUMPTION** (Judiciary)
Courtney, Petersen, Schneider
Presumes a person who committed a felony against a decedent within a year of the decedent's death is responsible for the death in relation to the person collecting any insurance benefits from the death
- SF2057** **SEX OFFENDER PLACEMENT STUDY** (Appropriations)
Dvorsky, Chapman
This bill provides for a study concerning housing for sex offenders and other hard-to-place individuals who are in need of a nursing facility level of care. The bill appropriates \$150,000 to DHS. Mandates that the Department and OSLTCO cooperate with the study.
- SF2066** **COMMUNITY-DIRECTED CARE** (Human Resources)
Jochum, Dotzler, Whitver
Relates to providers of medical assistance (Medicaid) consumer-directed attendant care (CDAC) and consumer choices option (CCO) services.
- SF2092** **FRAUDULENT PRACTICES** (Judiciary)
formerly
SSB3072 Modifies the definition of fraudulent practice.
- SF2156** **PHARMACY LICENSURE** (Human Resources) Willhelm, Bolkcom, Johnson
Relates to in-state special or limited-use pharmacy licensure and nonresident pharmacy practices, licensure, and discipline.

SF2162**COMMON DATABASE—STATE AGENCIES**

(State Government)

Requires the chief technology officer to implement a confidential common database in conjunction with other state agencies involved with administering public benefit programs

SF2167

Formerly
SSB3011

HEALTH CARE FACILITIES REGULATION (Human Resources)

Makes changes to procedures related to regulations imposed by the Department of Inspections and Appeals and makes conforming changes in referencing the Office of the State Long-Term Care Ombudsman.

SF2168

Formerly
SSB3116

UNIFORM POWER OF ATTORNEY ACT (Judiciary)

See story beginning on [page 3](#).

See

HSB625**SF2193**

Formerly
SSB3055

ADULT DAY CARE (Human Resources)

Establishes criteria that would prohibit the admission or retention of a participant in an adult day services program.

See

HF2186**SF2211**

Formerly
SSB3076

CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

(Judiciary) Hogg, Petersen, Schneider

Relates to the definition of a sexually violent predator for purposes of civil commitment procedures.

See

HSB500**SF2227**

Formerly

WAIVER SERVICE EXCEPTIONS (Human Resources)

Jochum, Dotzler, Whitver

SF2081

Directs the department of human services to adopt rules specifying that an individual who is a recipient of home and community-based services waiver services based on an exception to policy shall continue to be eligible for and receive the services .

SF2239

Formerly
SF2117

ELDER ABUSE (Human Resources) Willhelm, Johnson, Mathis

See story on [page 5](#).

See

HF2106**SSB3133****GOVERNOR'S HHS APPROPRIATIONS** (Approps) Dvorsky, Chapman

Next funnel according to the Session Timetable:

March 14 Final date for Senate bills to be reported out of House committees (Friday of the 9th week) and House bills out of Senate committees (Joint Rule 20)

Please feel free to forward AgingWatch to others who are interested in issues and programs that impact older Iowans.

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The Mission of the Iowa Department on Aging is to develop a comprehensive, coordinated and cost-effective system of long term living and community support services that help individuals maintain health and independence in their homes and communities.